

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Eriko Takano et al.
Serial No. : 10/017,471
Filing Date : October 23, 2001
Examiner : Kathleen M. Kerr, Ph.D.
Group Art Unit : 1652
Entitled : ANTIBIOTIC PRODUCTION

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Our File No. 0380-P02329US1

CERTIFICATE OF FACSIMILE TRANSMISSION

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Caren Burgoon

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE

Dear Sir:

A Notice of Non-Compliant Amendment (37 CFR §1.121) was issued September 15, 2004 in the above-identified patent application. The September 15th Notice set a one (1) month time period in which to re-submit the corrected section of applicant's Amendment which was filed June 21, 2004.

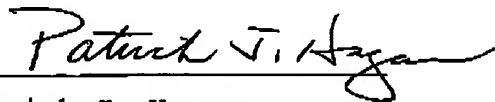
In response to the aforementioned Notice, submitted herewith is the entire "Amendment to the Claims" section of the June 21, 2004 Amendment, which complies with 37 CFR §1.121. Entry of this "Amendment to the Claims" section, which is being re-submitted before the expiration of the initial, unextended response period, is hereby requested.

In the event that a fee is required in connection with the consideration of the present amendment the Commissioner is hereby authorized to charge such fee to Deposit Account No. 04-1406.

Favorable reconsideration and allowance of this application is again respectfully requested.

Respectfully submitted,

DANN, DORFMAN, HERRELL and SKILLMAN



Patrick J. Hagan
Reg. No. 27,643
Attorney for Applicants

PJH:cmb

FEE TRANSMITTAL	<i>Complete if known</i>
	Application Number: 10/017,471
	Filing Date: October 23, 2001
	First Named Inventor: Eriko Takano et al.
	Title: ANTIBIOTIC PRODUCTION
TOT. AMT. OF PAYMENT: (1) + (2) + (3) = \$ <u>0.00</u>	
Our File No.: 0380-P02329US1	

METHOD OF PAYMENT (check one)	FEE CALCULATION (continued)																																																								
<p>1. The Commissioner is hereby authorized to:</p> <p><input type="checkbox"/> Charge indicated fees</p> <p><input checked="" type="checkbox"/> Charge additional fees</p> <p><input checked="" type="checkbox"/> Credit overpayments</p> <p>to the account of DANN, DORFMAN, HERRELL AND SKILLMAN</p> <p>Deposit Account Number <u>04-1406</u></p> <p>2. Payment enclosed:</p> <p>Check in the amount of \$ <u>0.00</u></p>	<p>3. ADDITIONAL FEES</p> <table border="1"> <thead> <tr> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>Surcharge-late filing fee or oath</td><td></td></tr> <tr><td>Surcharge - late provisional filing fee or cover sheet</td><td></td></tr> <tr><td>Non-English specification</td><td></td></tr> <tr><td>For filing a request for reexamination</td><td></td></tr> <tr><td>Requesting publication of SIR prior to Examiner action</td><td></td></tr> <tr><td>Requesting publication of SIR after Examiner action</td><td></td></tr> <tr><td>Extension for response within first month</td><td></td></tr> <tr><td>Extension for response within second month</td><td></td></tr> <tr><td>Extension for response within third month</td><td></td></tr> <tr><td>Extension for response within fourth month</td><td></td></tr> <tr><td>Notice of Appeal</td><td></td></tr> <tr><td>Filing a brief in support of an appeal</td><td></td></tr> <tr><td>Request for oral hearing</td><td></td></tr> <tr><td>Petition to institute a public use proceeding</td><td></td></tr> <tr><td>Petition to revive unavoidably abandoned application</td><td></td></tr> <tr><td>Petition to revive unintentionally abandoned application</td><td></td></tr> <tr><td>Issue fee</td><td></td></tr> <tr><td>Advance Order (10 copies)</td><td></td></tr> <tr><td>Publication Fee</td><td></td></tr> <tr><td>Petitions to the Commissioner</td><td></td></tr> <tr><td>Petitions related to provisional applications</td><td></td></tr> <tr><td>Submission of Information Disclosure Stmt.</td><td></td></tr> <tr><td>Recording each patent assignment per property (units number of properties)</td><td></td></tr> <tr><td>Filing a submission after final rejection (37 CFR 1.129(a))</td><td></td></tr> <tr><td>For each additional invention to be examined (37 CFR 1.129(b))</td><td></td></tr> <tr><td>Other fee (specify) _____</td><td></td></tr> <tr> <td colspan="2" style="text-align: right;">SUBTOTAL (3) \$ _____</td> </tr> </tbody> </table>	Fee Description	Fee Paid	Surcharge-late filing fee or oath		Surcharge - late provisional filing fee or cover sheet		Non-English specification		For filing a request for reexamination		Requesting publication of SIR prior to Examiner action		Requesting publication of SIR after Examiner action		Extension for response within first month		Extension for response within second month		Extension for response within third month		Extension for response within fourth month		Notice of Appeal		Filing a brief in support of an appeal		Request for oral hearing		Petition to institute a public use proceeding		Petition to revive unavoidably abandoned application		Petition to revive unintentionally abandoned application		Issue fee		Advance Order (10 copies)		Publication Fee		Petitions to the Commissioner		Petitions related to provisional applications		Submission of Information Disclosure Stmt.		Recording each patent assignment per property (units number of properties)		Filing a submission after final rejection (37 CFR 1.129(a))		For each additional invention to be examined (37 CFR 1.129(b))		Other fee (specify) _____		SUBTOTAL (3) \$ _____	
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Submitted By:

Typed or

Printed Name Patrick J. Hagan Reg. Number 27,643

Signature

Patrick J. HaganDate September 24, 2004

Deposit Account User ID

04-1406